



# **PLANNING COMMISSION AGENDA REPORT**

VI.6

MEETING DATE: JULY 13, 2009

ITEM NUMBER:

**SUBJECT: ZONING APPLICATION ZA-09-24  
TRINITY CHRISTIAN CENTER  
3150 BEAR STREET**

**DATE: JULY 2, 2009**

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER  
(714) 754-5611**

---

## **DESCRIPTION**

Zoning Application ZA-09-24 is for a minor conditional use permit (MCUP) to modify previously approved use permits as follows:

1. Remove requirement for 24-hours/7 days a week noise monitoring for a 6 month period.
2. Remove restrictions related to on-site hot food preparation and dining hall hours.
3. Allow a maximum of four special events per calendar year beginning no earlier than 7:00 a.m.

## **APPLICANT**

Vicki Green of the Sheldon Group, is the authorized agent for TCC, the property owner.

## **RECOMMENDATION**

Approve request in part, with exception to the removal of the noise monitoring requirement, by adoption of Planning Commission resolution, subject to conditions.

MEL LEE, AICP  
Senior Planner

KHANH NGUYEN  
Acting Asst. Development Svs. Director

## **BACKGROUND**

### ***Project Site/Environs***

TCC, which is also known as Trinity Broadcasting Network, or TBN, is located on a six-acre property bounded by Bear Street to the west, the I-405 Freeway to the north, and single-family residences to the south and east. The residences to the south of the property were constructed in the mid-to-late 1990's as part of the 79-unit single-family residential development called Lifestyles; the single-family residences to the east of the property were constructed in the early 1960's as part of a 62-unit residential tract (Tract Number 3500).

### ***Trinity Christian Center***

TCC's primary television production facilities and day-to-day business operations are located in the City of Tustin, while the Costa Mesa location functions as a showcase facility. Although TCC uses this property for limited television production, the primary activities include events such as their annual holiday light displays, as well as meeting facilities for group functions. This location also has a gift shop, exhibits and attractions, and administrative offices.

### ***History of Conditional Use Permits***

Various discretionary permits have been approved for TCC. Following is a summary of the previously approved conditional use permits that are relevant to this application:

- *Planning Application PA-96-19 to establish television broadcast/production facility.*

On March 25, 1996, the Planning Commission approved the original conditional use permit to establish TCC. While holiday-related events and driving tours could occur between Thanksgiving and January 15 until 10 p.m., TCC would primarily serve as a television production facility.

- *Planning Application PA-98-24 to allow ancillary food service only.*

On April 13, 1998, Commission approved an amendment to the original conditional use permit (PA-96-19) to allow ancillary food service. Restaurant uses serving the general public was expressly prohibited. To ensure that television production activities would continue to be the primary use and to prohibit food service uses to the general public, food service restrictions were imposed as follows:

- Limitation on hours of operation for the dining room (10 a.m. to 5:30 p.m.).
- Strict prohibition of on-site preparation of food.
- Limitation of kitchen usage to warming catered food.
- Limitation of one outdoor vending cart between 10 a.m. and 5 p.m.

- *Zoning Application ZA-08-10 to allow outdoor filming and require noise monitoring.*

On October 13, 2008, Commission upheld the Zoning Administrator's approval of a MCUP to allow outdoor filming activities up to 12 times per calendar year. On January 20, 2009, the City Council reduced a requirement for 24-hours/7 days a week noise monitoring from two years to six months.

### ***All Conditions and Requirements***

A comprehensive list of TCC's conditions of approval, code requirements, and special district requirements, for Planning Applications PA-96-19 and PA-98-24, and Zoning Application ZA-08-10 is attached to this report for reference.

The planning staff reports and meeting minutes for ZA-08-10 can be found on the City website at the links below:

Minutes of October 13, 2008 Commission Meeting:  
<http://www.ci.costa-mesa.ca.us/council/planning.htm>

Commission Staff Reports for the October 13, 2008, Commission Meeting:  
<http://www.ci.costa-mesa.ca.us/council/planning/2008-09-22/092208ZA0810Notice.pdf>  
<http://www.ci.costa-mesa.ca.us/council/planning/2008-10-13/101308ZA0810Appeal.pdf>

Minutes of January 20, 2009 Council Meeting:  
<http://www.ci.costa-mesa.ca.us/council/minutes/2009-01-20.pdf>

Council Staff Report for the January 20, 2009, Council Meeting:  
<http://www.ci.costa-mesa.ca.us/council/agenda/2009-01-20.pdf>

### **ANALYSIS**

#### ***Referral to the Planning Commission***

Zoning Code Section 13-29(p)(1) allows amendments to conditional use permits to be processed as a minor conditional use permit, which are typically reviewed by the City Zoning Administrator; however, because one of the requested modifications involves removing the condition of approval for continuous noise monitoring, which was added by the Commission, the application was referred to the Commission for consideration.

#### ***Proposed Activity: Minor Conditional Use Permit ZA-09-24***

Staff reviewed the applicant's request to remove or modify certain conditions of approval from previously approved use permits. Information provided by the applicant in regard to the requested modifications is contained in Attachment 3.

Staff recommends that Planning Commission take the following actions, analyzed and justified as follows:

1. Deny request to remove noise monitoring requirement (ZA-08-10 Minor CUP).

In conjunction with the approval of the MCUP for outdoor filming 12 times per year, Commission required noise monitoring equipment to be installed on TCC property in proximity to the neighboring single-family homes, a requirement upheld by Council. Council required that the equipment be installed by April 2009 and that a noise report submitted to the City on a regular basis for six months (*Condition No. 12*). Outdoor filming has not taken place since the approval of ZA-08-10 by Council in January 2009.

According to the applicant, TCC has been in negotiations with surrounding property owners in an attempt to address past noise issues related to property maintenance, and have taken the following measures:

- Replaced the electric leaf blower with quieter models (*Condition No. 14*);
- Not using the gas-powered lifts in proximity to the adjacent residential properties (*Condition No. 15*);
- Not using wood chippers in proximity to the adjacent residential properties;
- Providing neighbors advance notice of any extensive landscaping maintenance that takes place near residential properties;
- Working with the landscape contractor to ensure that they adhere to the hours of landscape maintenance (*Conditions Nos. 21 and 26 of PA-96-19*).

Staff recommends denial of this request because:

- Staff has not received confirmation from the neighbors that these measures have improved the noise environment. Therefore, staff cannot speculate whether or not these measures meet the neighbors' satisfaction.
- The majority of the activities to reduce nuisance noise disturbances were already required as conditions of approval for ZA-08-10 and PA-96-19. Staff believes the noise monitoring requirement was intended to be in addition to compliance with these conditions to document ongoing noise compliance for a six month period.

2. Support request and to modify dining hall opening hour to 7AM instead of 10AM (PA-98-24 CUP).

3. Support request to remove restrictions related to on-site hot food preparation during special events allow a maximum of four indoor special events per calendar year beginning no earlier than 7:00 a.m. (PA-96-19 CUP).

These requests involve expanded food service at TCC for special events only, and not for regular business activities. Staff supports the earlier opening time for the dining hall and removal of the hot food preparation restrictions during special events for the following reasons:

- The original intent to prohibit restaurant uses is still valid. PA-98-24 placed strict conditions on the on-site preparation of hot food and limited activities/hours of the dining hall (Conditions Nos. 4, 5, 6, 8, and 9). The intent was to discourage restaurant activity to be established at TCC. While the proposed activity involves expanded food service, this service is not to the general public (i.e. walk-up customers) and is restricted to special "invitation-only" events.

**Modified Condition:** Condition of approval No. 6 for Planning Application PA-98-24 shall be modified as follows: The hours of operation for the dining room shall be limited to 7:00AM to 5:30PM.

- Indoor special events with on-site hot food preparation are considered ancillary activities. PA-96-19 represented an approval for TCC as a television production facility and not an entertainment venue. Inclusive of a hot breakfast being prepared on-site, the request for four special morning banquets to occur from 7AM to 9AM is considered consistent with the original CUP because these are limited indoor events. The special events would be morning banquets not open to the general public and limited to four times per calendar year. No alcohol would be served.

**New Conditions:** TCC shall employ a parking attendant during special events to direct traffic and make sure that no one is parking along southerly and easterly portions of the parking lot (i.e., next to residential properties).

Condition of approval No. 11 for Planning Application PA-98-24 shall be added as follows: The food service restrictions as described in Conditions Nos. 4, 5, 6, 8 and 9 shall not apply to the four indoor-only special events (i.e. morning breakfasts) occurring on the property four times a year at 7AM to 9AM, as described the staff report and the applicant's letter dated July 1, 2009 for ZA-09-24.

## **GENERAL PLAN CONFORMITY**

The property is zoned AP (Administrative and Professional) and has a General Plan Designation of General Commercial. The uses are subject to approval of a minor conditional use permit in the AP zone. However, in order to ensure the use is not disruptive to the surrounding neighborhood (Objective LU-1F), the use must be operated in compliance with the conditions of approval.

## **ALTERNATIVES**

The Planning Commission has the following alternatives:

1. Approve any or all of the requested changes. Expanded hot food service and preparation at TCC could occur during limited special events only, and not as regular business activity. Planning Commission may also consider removal of the noise monitoring requirement based on public testimony from the neighbors received at the hearing.
2. Deny the modifications to the conditions of approval as proposed by the applicant. If the request is denied, the applicant could not submit substantially the same type of operational modifications for six months. TCC may continue to operate under the current conditions of approval.

## **ENVIRONMENTAL DETERMINATION**

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities. If the use is denied, it is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for Projects Which Are Disapproved.

## **CONCLUSION**

Staff is recommending approval of the applicant's request to modify conditions, *with exception* to the removal of the noise monitoring requirement. While TCC indicated that negotiations are well underway with the neighbors with regard to improving the noise environment, staff cannot speculate whether or not these measures are satisfactory. As far as the requests to modify conditions related to food service, the recommended changes to allow for hot food preparation and service during special events would still be consistent with the original intent of the use permits. In other words, TCC will continue to primarily operate as a television broadcast facility with ancillary activities related to hot food service for limited special events.

- Attachments:
1. Draft Planning Commission Resolutions (Approval and Denial)
    - Exhibit "A" – Draft Findings
    - Exhibit "B" – Conditions of Approval
  2. List of TCC's conditions of approval, code requirements, and special district requirements, for Planning Applications PA-96-19 and PA-98-24, and Zoning Application ZA-08-10
  3. Applicant Letters
  4. Location Map
  5. Site Plan (For Reference Only)

cc:           Acting Development Services Director  
              Deputy City Attorney  
              City Engineer  
              Fire Protection Analyst  
              Staff (4)  
              File (2)

Sheldon Group  
Attn: Vicki Green  
901 Dove Street, Suite 140  
Newport Beach, CA 92660

John B. Casoria, Esq., General Counsel  
Trinity Broadcasting Network – International Headquarters  
2442 Michelle Drive  
Tustin, CA 92780-7091

File: 071309ZA0924	Date: 070209	Time: 1:30 p.m.
--------------------	--------------	-----------------

## ATTACHMENT 1

### RESOLUTION NO. PC-09-

#### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING ZONING APPLICATION ZA-09-24

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Sheldon Group, authorized agent for Trinity Christian Center, owner of real property located at 3150 Bear Street in an Administrative and Professional (AP) zone;

WHEREAS, the request is for the approval of a minor conditional use permit to modify previously approved conditions related to the following activities: (1) Remove requirement for 24-hours/7 days a week noise monitoring for a six month period; (2) Remove restrictions related to on-site hot food preparation and dining hall hours; (3) Allow a maximum of four special events per calendar year beginning no earlier than 7:00 a.m.;

WHEREAS, a duly noticed public hearing held by the Planning Commission on July 13, 2009 with all persons having the opportunity to speak and be heard for and against the proposal;

WHEREAS, the Planning Commission finds that it is important to retain the requirement for noise monitoring as indicated in Condition No. 12 of ZA-08-10 to ensure ongoing compliance;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B," the Planning Commission hereby **APPROVES** the request contained in Zoning Application ZA-09-24, with exception to the removal of the 24-hours/7-days a week noise monitoring requirement (Condition No. 12 of ZA-08-10), with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Zoning Application ZA-09-24 and upon applicant's compliance with each and all of the conditions as modified in Exhibit "B" as well as with compliance of all applicable federal, state, and local laws. Any approval



granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

**PASSED AND ADOPTED this 13th day of July, 2009.**

---

James Righeimer, Chair,  
Costa Mesa Planning Commission

STATE OF CALIFORNIA )  
 )ss  
COUNTY OF ORANGE )

I, Claire Flynn, Assistant Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on July 13, 2009, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

---

Assistant Secretary, Costa Mesa  
Planning Commission

**EXHIBIT "A"**

**FINDINGS (APPROVAL)**

- A. The use complies with Costa Mesa Municipal Code Section 13-29(e) because:
- The use, as conditioned, is compatible and harmonious with uses that exist in the general neighborhood.
  - The use, as conditioned, complies with applicable performance standards as prescribed in the Zoning Code, specifically, compliance with the City's noise ordinance provisions.
  - The use is consistent with the General Plan, specifically General Plan Goal LU-1F.1, because the recommended conditions of approval will ensure the protection of existing residential neighborhoods from incompatible or disruptive land uses and/or activities.
  - The zoning application is for a project-specific case and does not establish a precedent for future development.
  - The cumulative effects of all planning applications have been considered.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, TCC will be required to comply with the conditions of approval to ensure that the use is not disruptive to adjacent uses or properties and that hot food service is offered in conjunction with special events and not offered to the general public.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**EXHIBIT "B"**

**CONDITIONS OF APPROVAL**

- Plng. 1. Except where indicated below, all applicable conditions of approval, code requirements, and special district requirements for Planning Application PA-96-19, Planning Application PA-98-24, and Zoning Application ZA-08-10, shall be complied with.
2. Condition of approval No. 6 for Planning Application PA-98-24 shall be modified as follows: The hours of operation for the dining room shall be limited to 7:00AM to 5:30PM.
3. New Condition of approval No. 11 for Planning Application PA-98-24 shall be added as follows: The food service restrictions as described in Conditions Nos. 4, 5, 6, 8 and 9 shall not apply to the four indoor-only special events (i.e. morning breakfasts) occurring on the property four times a year at 7AM to 9AM, as described the staff report and the applicant's letter dated July 1, 2009 for ZA-09-24.
4. The following conditions of approval shall be added to Planning Application PA-96-19:
- 28. Special events shall not occur more than four times per year.
  - 29. Special events shall not be open to the general public.
  - 30. Special events shall not commence earlier than 7:00 a.m. However, food or other advance event preparation activity may occur as early as 5:00 a.m.
  - 31. During special events, TCC shall employ a parking attendant during special events to direct traffic and make sure that no one is parking along southerly and easterly portions of the parking lot.

**RESOLUTION NO. PC-09-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA DENYING ZONING APPLICATION  
ZA-09-24**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Sheldon Group, authorized agent for Trinity Christian Center, owner of real property located at 3150 Bear Street in an Administrative and Professional (AP) zone;

WHEREAS, the request is for the approval of a minor conditional use permit to modify previously approved conditions related to the following activities: (1) Remove requirement for 24-hours/7 days a week noise monitoring for a 6 month period; (2) Remove restrictions related to on-site hot food preparation and dining hall hours; (3) Allow a maximum of four special events per calendar year beginning no earlier than 7:00 a.m.;

WHEREAS, a duly noticed public hearing held by the Planning Commission on July 13, 2009 with all persons having the opportunity to speak and be heard for and against the proposal;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," the Planning Commission hereby **DENIES** Zoning Application ZA-09-24 with respect to the property described above.

**PASSED AND ADOPTED this 13<sup>th</sup> day of July, 2009.**

---

James Righeimer, Chair  
Costa Mesa Planning Commission

**FINDINGS (DENIAL)**

- A. The use does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
- The use is not compatible and harmonious with uses that exist in the general neighborhood.
  - The use is not consistent with the General Plan.
  - The cumulative effects of all planning applications have been considered.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is not compatible with developments in the same general area. Granting the minor conditional use permit will be detrimental to the health, safety and general welfare of the public and other properties or improvements within the immediate vicinity.
- C. The Costa Mesa Planning Commission has denied Zoning Application ZA-09-24. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a) CEQA does not apply to this project because it has been rejected and will not be carried out.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

## ATTACHMENT 2

Conditions of Approval, Code Requirements, and Special District Requirements for Trinity Christian Center (PA-96-19, PA-98-24, and ZA-08-10)	
Conditions of Approval (PA-96-19)	
1.	The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the Development Services Director or his designee, any of the findings upon which the approval was based are no longer applicable.
2.	Street addresses shall be displayed on the freestanding ground sign or, if there is no freestanding sign, on the fascia or store front adjacent to the main entrance of the building, in a manner visible to the public street. Numerals shall be a minimum 12" in height with not less than 3/4" stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be 4" in height with not less than 1/4" stroke and shall contrast sharply with the background.
3.	A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
4.	The conditions of approval and ordinance or code provisions of Planning Action PA-96-19 shall be blueprinted on the face of the site plan.
5.	The applicant shall contact the Planning Division to arrange for a "Special Requirements" inspection of the site prior to the release of occupancy. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
6.	The use shall be limited to the type of operation described in the staff report. Any change in the operational characteristics will require an amendment to the conditional use permit, subject to Planning Commission approval.
7.	The TV studio and its support uses shall not operate at the same time as the administrative offices. Furthermore, other than the offices, no uses shall be conducted after 10 p.m.
8.	The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
9.	Any exterior lighting, either added to the parking lot or to illuminate the building, or for television production, shall be submitted to the Planning Division for review prior to obtaining building permits.
10.	Submit required cash deposit or surety bond to guarantee construction of offsite street improvements at time of permit per Costa Mesa Municipal Code Section 15-32, and as approved by City Engineer. Cash deposit or surety bond amount to be determined by the City Engineer.
11.	Obtain a permit from the Engineering Division, at the time of development, and modify P.C.C. driveway approach per City of Costa Mesa standards as shown on the offsite plan to meet A.D.A. requirements.
12.	Dedicate a 3-foot public utility easement behind existing right-of-way line on Bear Street.

15

13.	Submit legal description for the new area of dedication, plat of new dedication area, both prepared by a civil engineer, and Title Report Update of subject property.
14.	Review trash enclosure location for possible relocation and/or modification of pick-up schedule, under the direction of the Planning Division.
15.	Review gate design and construction for possible improvement of security under the direction of the Planning Division.
16.	Deleted.
17.	Deleted.
18.	Exterior lighting, either for the parking lot, to illuminate the building, or for television production, shall be designed and/or adjusted to prevent spillover light or glare onto adjacent properties. Shielding or other methods necessary to prevent light or glare spillover shall be incorporated.
19.	Holiday-related light displays and driving tours shall not extend beyond 10:00 p.m. in the evening and shall be limited to the period between Thanksgiving and January 15. Holiday-related signage shall be turned off and/or removed no later than January 15. Holiday-related lights shall be prohibited in the trees planted along the residential walls east and south of the Trinity property.
20.	The southerly and easterly boundaries of the site shall be posted with signs prohibiting the parking or staging of buses, RV's maintenance vehicles and any vehicles other than passenger cars along the residential walls. Additionally, buses should be parked as far from residential property as possible (e.g., in the northeast portion of the parking lot and engines shall be turned off when parked.
21.	Outdoor use of heavy equipment (such as lifts) shall not occur before 9 a.m. or after 5 p.m., Monday through Friday, and shall not be allowed on Saturday, Sunday or federal holidays (emergency activities excluded).
22.	Any proposed operational change that increases or intensifies the approved use shall require approval of an amendment to this conditional use permit by the Planning Commission.
23.	The facility shall operate, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood.
24.	Complaints regarding the violation of any of the above operating conditions and restrictions shall be immediately remedied by the applicant.
25.	Applicant shall employ a parking attendant during parking activities to direct traffic and make sure that no one is parking along the back wall in the evenings from 6 p.m. until closing.
26.	Landscape maintenance equipment is prohibited from being started before 8 a.m.
27.	Applicant shall prepare an operations management plan to coordinate and address the issues related to landscape maintenance operations; holiday operating procedures with regard to traffic, parking, lighting, and sound; maintenance equipment, etc. The plan shall be approved by staff within 60 days from the date of this hearing (March 24, 2003).
<b>Conditions of Approval (PA-98-24)</b>	
1.	There shall be no advertising, including signage, of the eating facilities.
2.	Deleted.
3.	Deleted.



4.	Food shall be limited to light snacks. No frying or grilling may occur in the inside kitchen.
5.	Any expansion of service times, the size of the vending cart and/or dining room area shall require review by the Planning Commission through the conditional use permit process.
6.	The hours of operation for the dining room shall be limited to 10 a.m. to 5:30 p.m.
7.	The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the Development Services Director or his designee, any of the findings upon which the approval was based are no longer applicable.
8.	One vending cart shall be allowed to provide popcorn, bagels, cookies and hot and cold beverages between 10 a.m. and 5 p.m.
9.	The general public may use the indoor dining facility with the stipulation that no food shall be cooked on site; that food shall be provided by an outside caterer and warmed up on the premises.
10.	The applicant is reminded that all applicable conditions, code requirements, and special district requirements of Planning Applications PA-96-19 (as modified) shall apply.
<b>Code Requirements (PA-96-19)</b>	
1.	The installation of any antennas shall comply with City requirements, including the processing of a Minor Conditional Use Permit as applicable.
2.	The landscaping shall be replanted to satisfy current landscape requirements as regards number of trees and shrubs and types of ground covers.
3.	The parking lot shall be repaired, resealed, and restriped consistent with City requirements, under the direction of the Planning and Building Divisions. Parking stalls shall be double-striped in accordance with City standards.
4.	All compact parking spaces shall be clearly marked "compact" or "small car only".
5.	Approval of the planning application is valid for one (1) year and will expire at the end of that period unless building permits are obtained and business commences, or the applicant applies for and is granted an extension of time.
6.	All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
7.	Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
8.	All work shall be conducted under-roof.
9.	Development shall comply with all requirements of Article 16, Chapter II, Title 13 of the Costa Mesa Municipal Code.
10.	Any new on-site utility services shall be installed underground.
11.	Installation of any new utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division.
12.	Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.

13. Four (4) sets of detailed landscape and irrigation plans shall be required as part of the project plan check review and approval process. Three (3) sets shall be provided to the representative water agency and one (1) set shall be submitted to the Planning Division for review. Plans shall be approved by the water agency with two (2) approved sets forwarded by the applicant to the Planning Division for final approval prior to issuance of building permits.
14. Two (2) sets of landscape and irrigation plans, approved by both the water agency <b>and</b> the Planning Division, shall be attached to two of the final building plan sets.
15. Landscape and irrigation plans shall meet the requirements set forth in Costa Mesa Municipal Code Sections 13-263 through 13-266 as well as irrigation requirements set forth by the water agency. Consult with the representative water agency (Mesa Consolidated Water District).
16. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
17. All landscaped areas shall be separated from paved vehicular areas by 6" high continuous Portland Cement Concrete curbing.
18. Trash enclosures or other acceptable means of trash disposal shall be provided. Design of trash enclosures shall conform with City standards. Standard drawings are available from the Planning Division.
19. Comply with the requirements of the Uniform Building Code as to design and construction and CCR Title 24 pertaining to "Disabled Access Regulations".
20. At the time of development submit for approval an off-site plan to the Engineering Division and grading plan to the Building Division that shows sewer, water, existing parkway improvements and the limits of work on the site, and hydrology calculations, both prepared by a civil engineer or architect. Construction access approval must be obtained prior to building or engineering permits being issued by the City of Costa Mesa. Pay offsite plan check fee to the Engineering Division. An approved offsite plan and fee shall be required prior to engineering/utility permits being issued by the City.
21. A Fire Department permit for Place of Assembly is required.
22. Any interior alterations will require appropriate alteration of the automatic fire sprinkler system

<b>Code Requirements (PA-98-24)</b>	
1.	The applicant is reminded that all conditions, code requirements, and special district requirements of Planning Application PA-96-19 still apply.
2.	Comply with the requirements of the Uniform Building Code as to design and construction and CCR Title 24 pertaining to "Disabled Access Regulations".
3.	Comply with Health Department Requirements.
4.	A Fire Department Permit for place of assembly is required.
5.	Proposal must meet Uniform Building Code requirements for A-3 occupancy per UBC, 1994 Edition. Plans must be approved for change in occupancy classification.
<b>Special District Requirement (PA-96-19)</b>	
1.	Applicant shall pay all applicable Sanitary District fixture fee charges (754-5307)
<b>Special District Requirement (PA-98-24)</b>	
1.	Developer shall contact the Costa Mesa Sanitary District at (714) 631-1731 for current district requirements.
<b>Conditions of Approval (ZA-08-10)</b>	
1.	The minor conditional use permit herein approved shall be valid until revoked. The minor conditional use permit may be modified or revoked if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
2.	Each of the 12 outdoor filming activities shall be limited to a single day.
3.	Activities related to outdoor filming, including equipment installation and removal, shall be limited to between 5:30 p.m. and 9:00 p.m. No outdoor filming activities shall occur on Sundays or holidays.
4.	Outdoor filming activities shall not occur more than 12 times per year from the effective date of this approval.
5.	Audiences, spectators, or noise-generating props (such as live animals) shall not be permitted during any outdoor filming activities.
6.	Amplified sound, loudspeakers and/or public address systems shall not be permitted.
7.	A copy of the conditions of approval for the minor conditional use permit shall be kept on premises and presented to any authorized city official upon request. Trinity Christian Center shall notify new business/property owners of conditions of approval upon transfer of business or ownership of land.
8.	Outdoor activities shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. Trinity Christian Center shall institute whatever security and operational measures are necessary to

comply with this requirement.
9. All conditions of approval, code requirements, and special district requirements for Planning Applications PA-96-19 and PA-98-24 shall continue to be complied with.
10. Code Enforcement complaints regarding verified noise violations of any of the operating conditions and restrictions shall be immediately remedied by Trinity Christian Center.
11. Exterior lighting, either for the parking lot, to illuminate the building, or for television production, shall be designed and/or adjusted to prevent spillover light or glare onto adjacent properties. Shielding or other methods necessary to prevent light or glare spill-over shall be incorporated.
12. At Trinity Christian Center's expense, noise monitoring equipment shall be installed on the applicant's property per the specifications of an independent acoustic consultant and in proximity to the adjacent single-family homes. The equipment shall continuously monitor on-site noise levels 24 hours a day, seven days a week, and the equipment shall be installed and operational no later than four months from the effective date of this approval. The equipment shall be operated and maintained by the acoustic consultant, who will submit a report on the data collected to the Planning Division on a quarterly basis. The Planning Division shall report this information to the Planning Commission on a quarterly basis. The noise monitoring equipment shall remain operational six months from the date of its initial installation.
13. The applicant shall require tree clippings to be shredded on the northwest side of the property near Bear Street and the I-405 Freeway.
14. The applicant shall replace the TBN leaf blower with a model 356BF Leaf Blower.
15. The applicant shall use only the electric boom along the residential sides of the property; the use of gas booms is prohibited along the residential sides of the property.
16. The applicant shall top-off the trees located along the property walls adjacent to residential properties.
<b>Code Requirements (ZA-08-10)</b>
1. Approval of the Zoning Application is valid for one (1) year and will expire at the end of that period unless the activity commences, or the applicant applies for and is granted an extension of time. A written request for an extension of time must be received by Planning staff prior to the expiration of the Zoning Application.
2. Filming activities shall comply with all applicable provisions of Chapter V, Title 9 of the Costa Mesa Municipal Code.
3. If construction is proposed, comply with the requirements of the 2007 California Building Code (C.B.C.).

## ATTACHMENT 3

# Project Description

May 2009

---

**Project Name:** Trinity Broadcasting Network (TBN)

**Project Location:** 3150 Bear Street, Costa Mesa, CA

**APN/  
Legal Description:** APN 141-521-48 and 141-152-49  
Berry Tract Lot 1, Blk C Portion of Lot Portion Abandoned Street Tr 128

**Applicant/Agent:** Sheldon Group  
Contact: Vicki Green, Project Manager  
901 Dove Street, Suite 140, Newport Beach, CA 92660  
(949) 777-9400

**Property Owner:** Trinity Christian Center of Santa Ana, Inc.  
Contact: John Casoria, General Counsel  
2442 Michelle Drive, Tustin, CA 92780  
(714) 832-2950

**Entitlements  
Requested:** A Minor Conditional Use Permit (MCUP) from the City of Costa Mesa is necessary to modify the current MCUP as well as to modify the current CUP (see below for more details).

**Existing General  
Plan Land Use  
Designation:** General Commercial

**Existing Zoning  
Classification:** Administrative and Professional (AP)

**Request:** For the past few months we have been working extensively with the surrounding neighbors on the issues of noise and filming permits. After a lot of negotiations, we believe that we have made significant progress, enough to move forward with examining some of TBN's conditions of approval. As such, we would request the following:

### ZA-08-10 Minor Conditional Use Permit

In January, TBN's MCUP for twelve (12) outdoor filming permits was approved by the City Council. However, one of the conditions of approval required 24-hour noise monitoring for six months, which we do not believe is warranted given the nature of our filming permits.

**Request:** We would like to remove condition of approval number 12, which calls for noise monitoring 24 hours a day, seven days a week for the period of six months from initial installation.

21

### **PA-96-19 – Original Conditional Use Permit**

**Request:** We would like to amend the original CUP to allow for four (4) special event permits per year with events being allowed to operate prior to normal operating hours, but no earlier than 7 a.m.

### **PA-98-24 – Conditional Use Permit Amending Original CUP**

(Amendment of PA-96-19 to allow food service to the general public as well as employees, and to allow an outside food cart for special events)

**Request:** We would like to modify conditions 4 – 6 and 8 – 9 to allow for the preparation of hot food services. Preparation of hot food service would be limited to special events, similar to a banquet hall, and would not be prepared for the general public. In other words, TBN would not be running a full restaurant.

Additionally, for those special events, we would like to modify the hours of operation for the dining room to begin at 7 a.m.

### **Zoning Code Amendment – Title 9, Chapter 5, Sec. 9-473**

The current zoning code allows property owners to have film permits by a Minor Conditional Use Permit. However, they are still subject to the administrative process of obtaining filming permits, which could potentially be denied.

**Request:** We ask that planning commission and/or city council review these inconsistencies in the code and amend the code so that the process is cohesive.

**Property Description:** Located at 3150 Bear Street in Costa Mesa, the property is approximately 6 acres and is improved with a three-story, 261,360 square foot building.

Surrounding uses consist of the I-405 freeway to the north, residential uses to the south and east (including the Lifestyles residential development), and a public park (Shiffer Park) to the west, across Bear Street.

Primary access to the property is along Bear Street. The property itself includes 241 total parking spaces, seven (7) of which are designated as disabled parking.



July 1, 2009

Sent via: EMAIL

Mr. Mel Lee  
Senior Planner  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626

**RE: ZA-09-24 TBN Minor CUP Request**

Dear Mr. Lee,

In response to staff's request, below please find additional information pertaining to the application we submitted to the city in May 2009.

- Justification for removal of the 24-hour noise/6 mos. noise monitoring requirement.  
The 24 hour noise monitoring requirement was a direct result of TBN landscaping operations. Both the planning commission and city council records show that the noise complaints were not a result of taping, but rather the landscape maintenance. In working with our neighbors, we have made several modifications to our landscaping maintenance plan in order to address their concerns. These modifications include:
  - 1.) Replacing our electric leaf blowers with the HUSQVARNA 356 BF as requested by our neighbor;
  - 2.) Utilizing the gas-powered lift to provide maintenance to the building and **not** using it around the perimeter of the property for landscaping or lighting maintenance;
  - 3.) Chipping branches at the northwest corner of the property near Bear Street; and
  - 4.) Notifying neighbors of any extensive landscaping maintenance (other than regular maintenance) taking place near their property.

Additionally, we have worked extensively with our landscape contractor to ensure that they adhere to hours of maintenance set forth in the CUP.

- Description of the 4 special events that TBN would like to do per year.

23

TBN often hosts dignitaries from around the world. As such, they would like the opportunity to hold special morning banquets for these occasions. The events would be held between the hours of 7 a.m. to 9 a.m. All events would take place indoors and no alcohol would be served. Attendance would be limited to current parking capacity. With regards to food, TBN would like the opportunity to prepare hot breakfast food for these events on-site.

We hope that this additional information will clarify what we are requesting. I want to assure you that we will continue to work with our neighbors to ensure that we do not negatively impact the neighborhood.

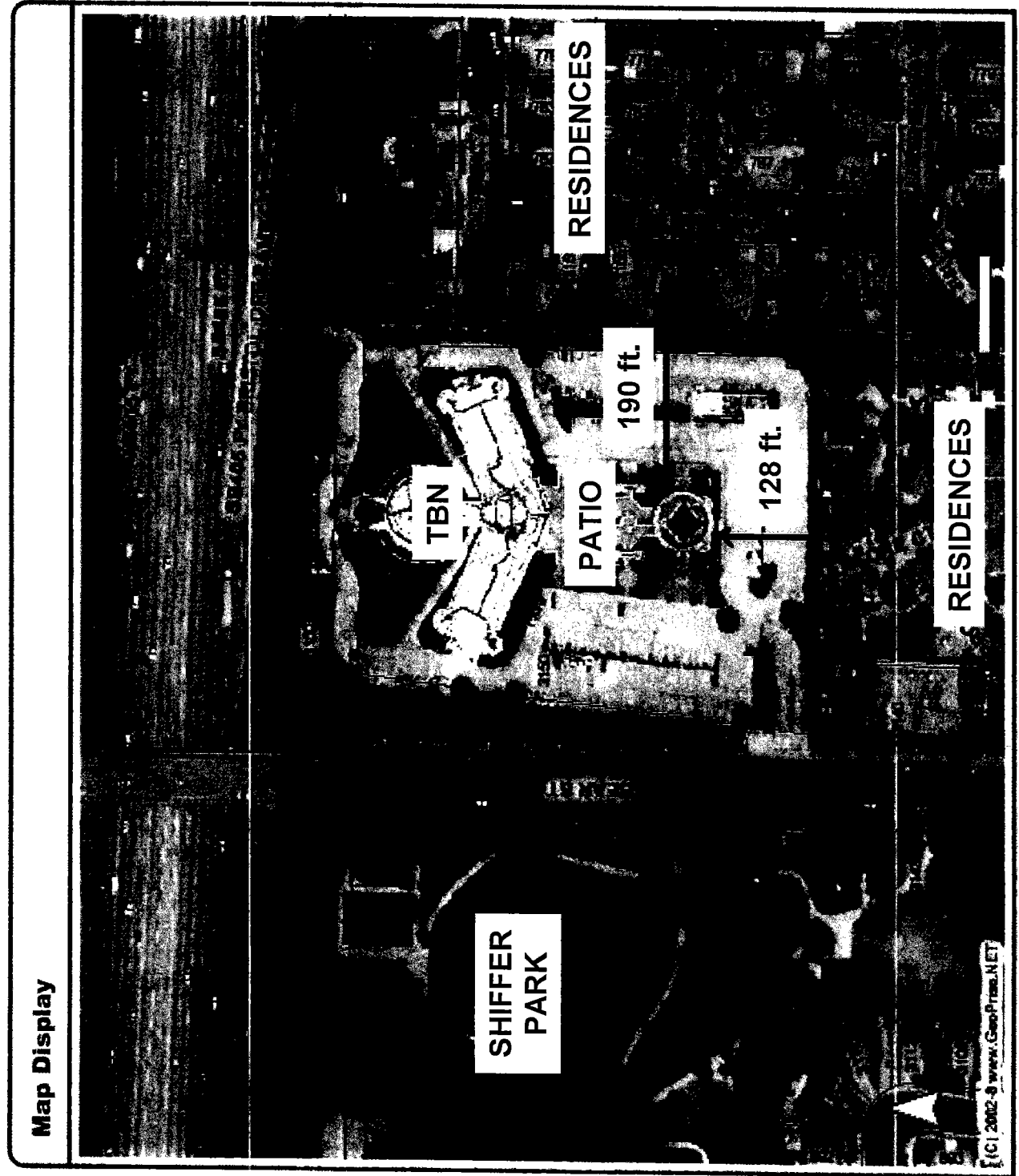
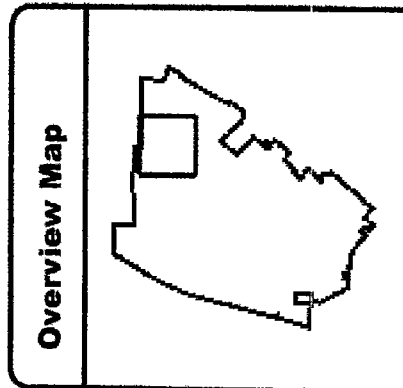
If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Steve Sheldon".

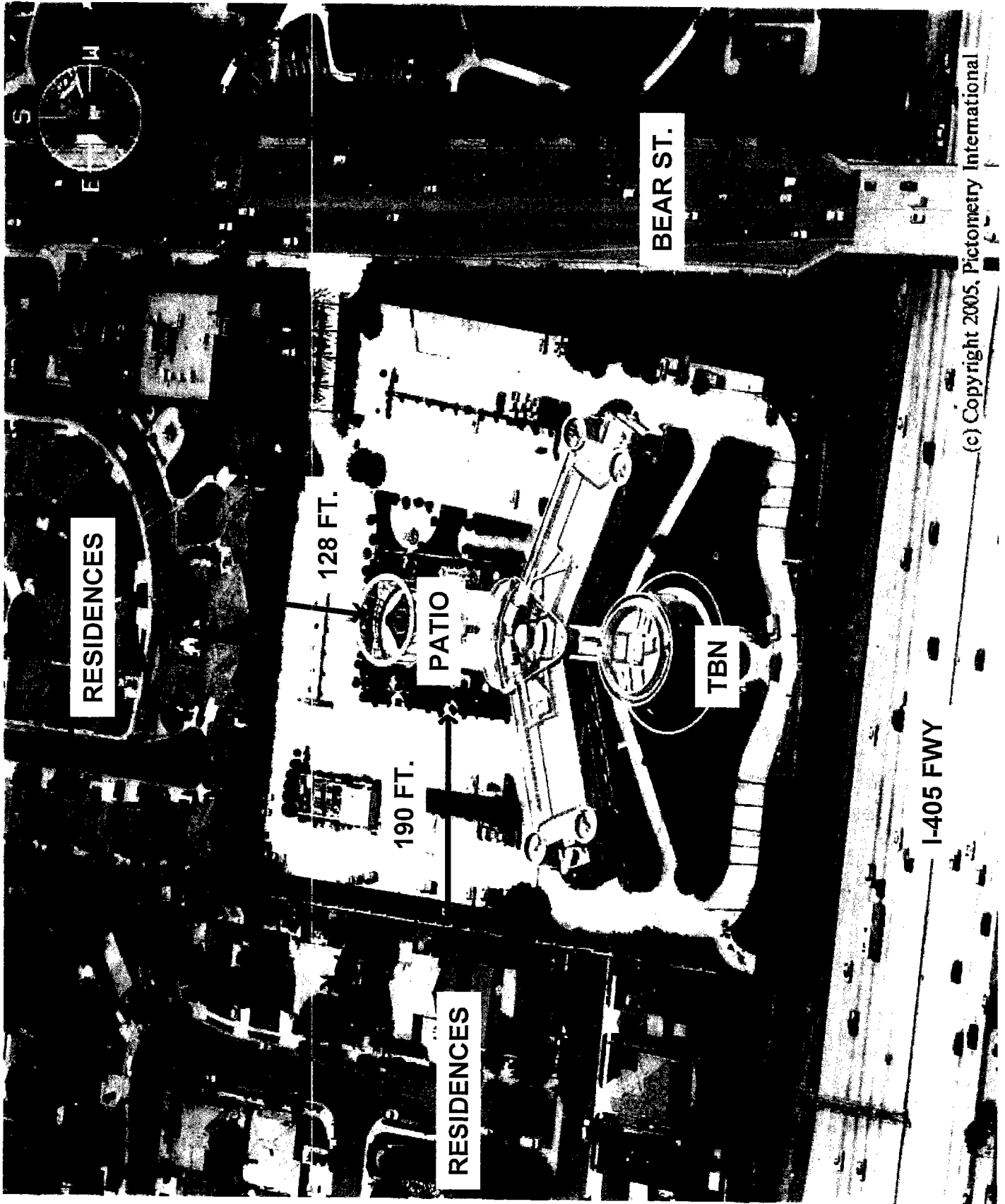
Stephen R. Sheldon  
President





**Legend**

Address Small	Parcels
Address Points	ROW
Street Names	Polygon
Parcel Lines	5
Level 2 Ortho Photo	



# ATTACHMENT 5

